

FILED
IN CLERKS OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DEC 22 1:01
U.S. DISTRICT COURT
DISTRICT OF MASS.

COMCAST OF SNE, INC.

CASE NO: 03 cv 12265 GAO

Plaintiff

v.

Erica Coleman

Defendant

**DEFENDANT'S ANSWERS TO PLAINTIFF'S COMPLAINT FOR VIOLATION
OF 47 U.S.C. SEC. 553**

1. Defendant denies this allegation.
2. Defendant denies this allegation
3. Defendant cannot, without further information, admit nor deny this allegation
4. Defendant admits this allegation and states her principal residence is 812
Belleville Ave. New Bedford, MA 02745
5. Defendant cannot, without further information, admit nor deny this allegation
6. Defendant cannot, without further information, admit nor deny this allegation
7. Defendant cannot, without further information, admit nor deny this allegation
8. Defendant cannot, without further information, admit nor deny this allegation
9. Defendant cannot, without further information, admit nor deny this allegation
10. Defendant cannot, without further information, admit nor deny this allegation
11. Defendant cannot, without further information, admit nor deny this allegation
12. Defendant cannot, without further information, admit nor deny this allegation
13. Defendant denies this allegation

14. Defendant denies this allegation
15. Defendant denies this allegation
16. Defendant denies this allegation
17. Defendant cannot, without further information, admit nor deny this allegation
18. Defendant denies this allegation
19. Defendant denies this allegation
20. Defendant cannot, without further information, admit nor deny this allegation
21. Defendant denies this allegation
22. Defendant cannot, without further information, admit nor deny this allegation
23. Defendant cannot, without further information, admit nor deny this allegation
24. Defendant cannot, without further information, admit nor deny this allegation
25. Defendant denies this allegation
26. Defendant denies this allegation
27. Defendant denies this allegation

FIRST AFFIRMATIVE DEFENSE

The defendant says that the plaintiff's Complaint fails to set forth facts constituting a cause of action upon which relief can be granted, and therefore the plaintiff cannot recover.

SECOND AFFIRMATIVE DEFENSE

The Defendant says that the Plaintiff has failed to bring this action within the time period required by law regarding limitations of actions, and therefore the Plaintiff cannot recover and the Complaint should be dismissed.

THIRD AFFIRMATIVE DEFENSE

The Defendant says that she at no time modified, altered or tampered with her cable box.

FOURTH AFFIRMATIVE DEFENSE

The Defendant says that the Plaintiff has failed to prove that her conduct violates 47 U.S.C. sec. 553(a) and the Complaint should be dismissed

FIFTH AFFIRMATIVE DEFENSE

The Defendant says that the Plaintiff has failed to prove that the Defendant knowingly and willfully violated 47 U.S.C. sec 553

SIXTH AFFIRMATIVE DEFENSE

The Defendant says that if any of Comcast's equipment was altered, that said alteration was performed by either the Plaintiff or some other third party and without the knowledge of the Defendant.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff is estopped to seek the damages allegedly owed by the Defendant as a result of its failure to use reasonable efforts to mitigate said damages.

EIGHTH AFFIRMATIVE DEFENSE

The Plaintiff's claim is time barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

The Defendant states that the Plaintiff's Complaint should be dismissed because it is wholly insubstantial, frivolous and not advanced in good faith.

TENTH AFFIRMATIVE DEFENSE

The Defendant hereby gives notice that it intends to rely upon such other and further defenses that may come available or apparent during the discovery proceeding in this case, and hereby reserves to amend its answer to assert any such defense.

Wherefore, the Defendant preys that this Honorable Court will dismiss this action with prejudice and award the Defendant any and all relief it deems just and fair.

DEMAND FOR JURY TRIAL

The Defendant, Erica Coleman, demands a trial by jury on all issues so triable.

Respectfully Submitted,
Defendant,
Erica Coleman,
812 Belleville Ave.
New Bedford, MA 02745

Erica Coleman 12/19/03

Date: 12/19/03

CERTIFICATE OF SERVICE

I, Erica Coleman hereby state under the pains and penalties of perjury that I have served
Answer to the following, listed below, via first class pre-paid, registered mail on 12/19/03.

John M. McLaughlin
31 Trumbull Road
Northampton, Ma. 01060

Clerk of Courts
United States District Court
US Courthouse Suite 2300
1 Courthouse Way
Boston, MA 02210

Defendant,
Erica Coleman,
812 Belleville Ave.
New Bedford, MA
02745

Erica Coleman 12/19/03

Date: 12/19/03